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Yarmouth Growth Incentive Zone
Decision

1.0 Introduction

The Yarmouth Planning Board and Yarmouth Community and Economic Development Committee have submitted an application to the Cape Cod Commission (Commission) to designate the town's Route 28 corridor as a Growth Incentive Zone (GIZ). The proposed designation is intended to help focus and facilitate future planning initiatives (long-term and short-term) for the corridor, which is characterized by tourism-based businesses including a significant number of lodging establishments, many outdated and facing high vacancy rates. Many commercial property owners along the corridor have been struggling in recent years.

The GIZ application reflects both the town's short-term and long-term goals for revitalization of the area. Under a broad objective of the Route 28 corridor revitalization, the town's short term goal (and Phase 1 of the GIZ) is implementation of its recently adopted "Motel By-Law" (Section 404 of the Yarmouth Zoning By-Law), which is intended to facilitate redevelopment of existing hotel/motel properties and create new affordable housing, mixed use development, and improvement of the future corridor's existing hotel/motel stock. Longer term initiatives include establishment of nodes where concentrated redevelopment may be appropriate (such as the future South Yarmouth Village Center and the Parkers Rivers Marina Village Activity Center) and also to identify areas located outside these nodes that may be appropriate for decreasing growth.

2.0 General

As authorized by Sections 6 and 7 of the Cape Cod Commission Act and Chapter G, Growth Incentive Zone Regulations, Barnstable County Ordinance 05-13, the Commission hereby designates the Yarmouth Route 28 corridor area, as hereinafter described, as a Growth Incentive Zone (GIZ). The decision is rendered pursuant to a vote by the Commission on July 26, 2007.

3.0 Procedural History

An application to designate the Route 28 corridor area as a GIZ was submitted by the Yarmouth Planning Board and Yarmouth Community and Economic Development Committee, with authorization from the Yarmouth Board of Selectmen on May 4, 2007.

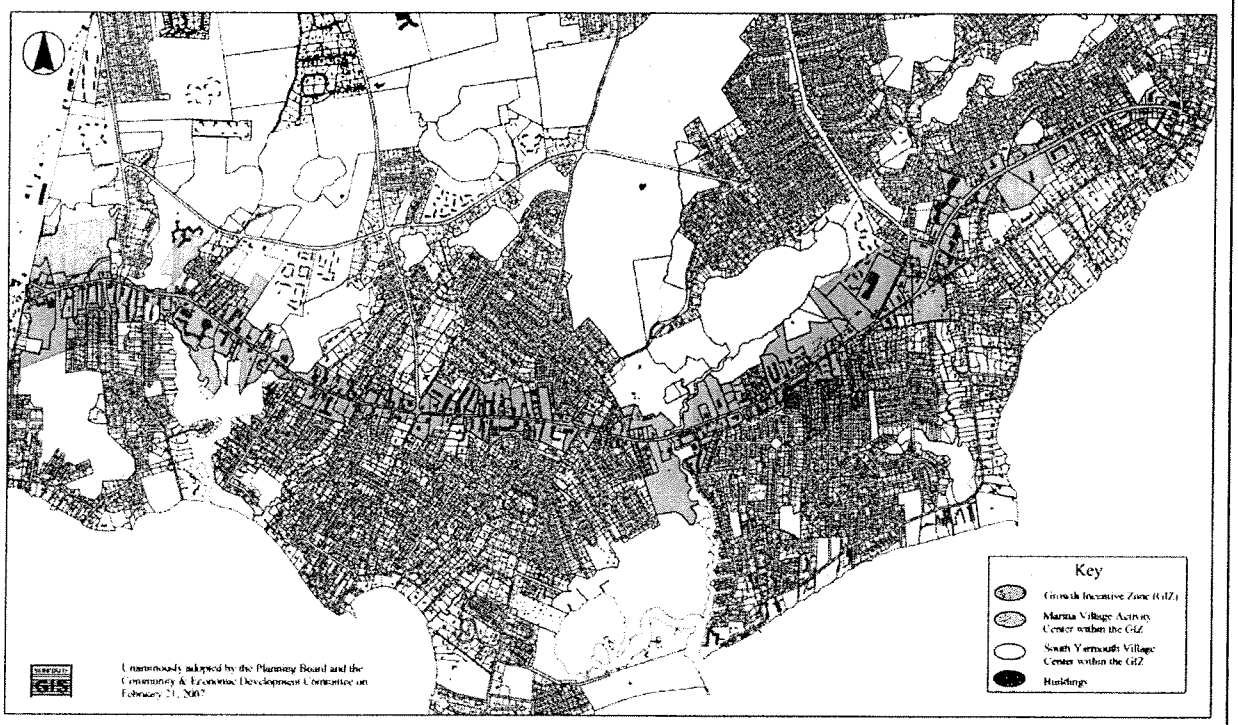
The Planning Committee of the Commission held duly noticed public hearings pursuant to Section 5 of the Act on June 11, 2007 in the First Superior Courthouse in Barnstable, MA and on June 18, 2007 in Yarmouth Town Hall.

After consideration of the application, both written and oral testimony, and information submitted for the record, the Planning Committee voted at the June 18, 2007 hearing to recommend to the full Commission that the area be designated as a Growth Incentive Zone pursuant to Chapter G of the Growth Incentive Zone Regulations. The subcommittee met on July 17, 2007 to review a draft decision at the Commission office. At this meeting, the subcommittee voted unanimously to forward the draft decision to the full Commission.

A hearing was held before the full Commission on July 26, 2007 to vote on the draft decision. At that hearing the full Commission voted unanimously to designate the Yarmouth Route 28 corridor area as a GIZ and to submit the town's adjusted DRI threshold request to the Assembly of Delegates for adoption by ordinance.

4.0 Boundaries/Description

The GIZ encompasses the 5.2 mile Route 28 corridor and includes abutting business zones and areas the town is considering as the future South Yarmouth and Parkers River Marina Village Activity Centers. The town of Barnstable borders the GIZ to the west and the town of Dennis to the east. The zone includes 621 parcels, the majority of which are zoned as General Business (B2) or Limited Business (B1). The area proposed for the GIZ is a contiguous geographic area as described in "Map 1," a copy of which is appended to this decision and incorporated by reference.



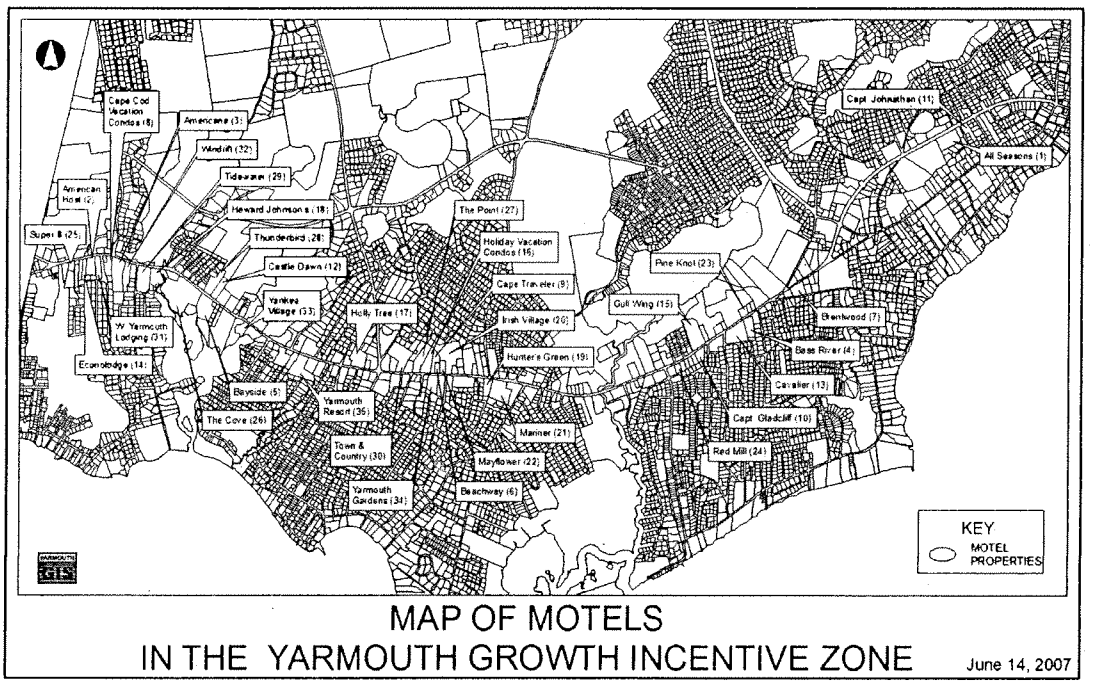
MAP 1 - PROPOSED YARMOUTH GROWTH INCENTIVE ZONE

The proposed GIZ is intended to facilitate redevelopment of the town's Route 28 corridor, with a "Phase 1" focus on the corridor's hotel/motel stock. While the GIZ designation is for the Route 28 corridor area, the DRI threshold modification (as discussed in Section 5.0) would apply only to the 35 existing hotel/motel properties subject to the town's Motel By-Law (Section 404 of the Zoning By-Law) as shown on a map entitled "Map of Motels in the Yarmouth Growth Incentive Zone" dated June 14, 2007, a copy of which is appended to this decision and incorporated by reference.

5.0 Town's Request for DRI Threshold Modifications

Pursuant to Section 8(a-b) of the GIZ Regulations, the Town of Yarmouth has requested an adjusted DRI threshold that is applicable to 35 existing hotel/motel properties along the Route 28 corridor, as identified on the map entitled "Map of Motels in the Yarmouth Growth Incentive Zone" dated June 14, 2007 ("Map 2" below). This DRI threshold modification is referred to as Phase 1 of the Growth Incentive Zone, and it applies only to such hotel/motel properties.

Map 2



MAP OF MOTELS
IN THE YARMOUTH GROWTH INCENTIVE ZONE June 14, 2007

Adjusted DRI Threshold Request

A) DRI review thresholds for existing hotel/motel properties in the Growth Incentive Zone shall be applied as follows, subject to approval of the Assembly of Delegates, and subject to the exceptions as outlined in Section (B) below. These thresholds as outlined

below apply solely to the thirty-five (35) enumerated hotel/motel properties (hereinafter " Phase I GIZ properties") as identified on a map entitled "Map of Motels in the Yarmouth Growth Incentive Zone" dated 6/14/07 which is appended to this decision:

1) Proposed conversion or redevelopment of existing hotel/motel buildings within the Phase I GIZ properties to residential dwelling units is not subject to mandatory DRI review;

2) Proposed expansion, rehabilitation, or redevelopment of existing hotel/motel buildings within the Phase I GIZ properties without changing use (i.e. continued use as either a hotel/motel) is not subject to mandatory DRI review;

3) Proposed mixed use development or redevelopment (i.e. containing both residential and commercial use) of Phase I GIZ properties that contains less than a total of 10,000 s.f. gross floor area of either an office or commercial use or a combination of both is not subject to mandatory DRI review. In the event one of the uses is a motel/hotel within the Phase 1 GIZ properties, the square footage of that hotel/motel shall not be counted toward the 10,000 s.f. threshold for purposes of determining the threshold for DRI review.

4) Proposed mixed use development or redevelopment of Phase I GIZ properties which contains more than 10,000 s.f. gross floor area of either office or commercial use or a combination of both shall be subject to mandatory DRI review, unless the proposed mixed use development or redevelopment also contains all of the following:
   (a) at least 40% of the gross floor area of the proposed development consists of residential dwelling units; and
   (b) the gross floor area of retail use does not exceed the gross floor area of the residential dwelling units; and
   (c) the total amount of proposed office or commercial development or a combination of both does not exceed 10,000 s.f. per Phase I GIZ property; and
   (d) in the event of an assemblage of more than one Phase I GIZ property, there is no individual occupant/unit of office/commercial or retail greater than 10,000 s.f. per Phase I GIZ property.

   In the event one of the uses is a motel/hotel within the Phase I GIZ properties, the square footage of that hotel/motel shall not be counted toward the 10,000 s.f. threshold for purposes of determining the threshold for DRI review.

B) In addition, pursuant to Section 8(c) of the GIZ Regulations, the following DRI thresholds are not eligible for modification within the GIZ and shall be reviewed as a DRI:
   1) Any proposed demolition or substantial alteration of an historic structure or destruction or substantial alteration to an historic or archaeological site listed with the National Register of Historic Places or Massachusetts Register of Historic

Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District.

2) Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or accessory uses, parking or storage facilities, so long as such auxiliary or accessory uses are greater than 10,000 s.f. of Gross Floor Area or 40,000 s.f. of outdoor area.

3) Development requiring an Environmental Impact Report under MEPA.

4) Discretionary referrals proposed by the Town and accepted by the Commission as presenting regional impacts.

6.0 Materials Submitted for the Record

The following materials were submitted for the record on the Yarmouth GIZ:

Town of Yarmouth:

- Motel buildout analysis summary (2/6/07) – February 6, 2007.
- Motel buildout analysis (3/13/07) – March 20, 2007.
- GIZ application with supplemental materials (including the *Old South Yarmouth Village Activity Center Conceptual Streetscape Design/Executive Summary*; *Bluestone Report Supplementary Administrative Guidelines/Route 28 Village Activity Centers, June 2005*; Design Review Standards; *Affordable Housing Action Plan; Map: Proposed South Yarmouth Village Center; Map: Proposed Marina Village Activity Center; Bluestone Corridor Map;* and other attachments – May 4, 2007
- Memo dated April 25, 2007 from Town Administrator Robert Lawton to Director of Community Development Karen Greene re: application.
- Email from Director of Community Development Karen Greene dated June 12, 2007 with the following attachments: letter dated 2/22/07 to Yarmouth selectmen from DeWitt Davenport; letter of acknowledgement dated 3/5/07 from Yarmouth Town Administrator Robert Lawton and response letter dated 3/19/07 from K. Greene.
- Email from K. Greene: analysis of bedroom mix assumption – June 11, 2007.
- "Map of Motels in the Yarmouth Growth Incentive Zone" dated June 14, 2007.
- Email from Terry Sylvia re: wastewater funding – July 19, 2007.
- Email from T. Sylvia: copy of "Map of Motels in the Yarmouth Growth Incentive Zone" dated June 14, 2007 – July 19, 2007.
- Email from K. Greene w/ attachment: revised buildout summary – July 20, 2007.
- Letter from R. Lawton re: Selectmen vote to endorse draft decision –July 25, 2007.

Cape Cod Commission:

- Email from M. Hevenor to K. Greene re: questions – May 10, 2007.
- Email from M. Hevenor to K. Greene re: thresholds – May 31, 2007.
- Email response to P. Kenney – June 1, 2007.
- Staff report – June 5, 2007.
- Staff update memo – June 15, 2007
- Email from E. Eichner to K. Greene – July 9, 2007

- DEP webpage re: Total Maximum Daily Loads, http://mass.gov/dep/water/resources/tmdls.htm, July 19, 2007
- Table: Title 5 wastewater design flows Phase 1 GIZ properties – July 20, 2007

Letters from the public:
- Email from W. Marasco re: opposition/concerns about GIZ – May 10, 2007
- Email from P. Kenney re: email from W. Marasco – June 1, 2007
- Letter from David Reid re: concerns about GIZ – July 20, 2007

The application and notices of public hearings relative thereto, the Commission staff's notes, exhibits and correspondence, the transcript and minutes of meetings and hearings and all written submissions received in the course of our proceedings are incorporated into the record by reference.

7.0 FINDINGS

7.1 General

G1. The Phase 1 GIZ focuses on redevelopment of existing hotel/motel properties subject to the Motel By-Law as part of its ongoing efforts to revitalize the Route 28 corridor. The GIZ application indicates that the Town intends to implement subsequent phases of the GIZ in the future. In addition, the Town has indicated that it intends to seek subsequent modification to the GIZ DRI thresholds should the Commission change its DRI thresholds.

7.2 GIZ Qualifications

GQ1. The Commission finds that the proposed Yarmouth GIZ qualifies as a Growth Incentive Zone pursuant to Section 2 (a – h) of the GIZ Regulations as follows:

a). An area proposed as a GIZ shall be a contiguous geographic area with clearly delineated boundaries...The GIZ shall neither expand nor create strip development, as defined in the Regional Policy Plan (RPP).

The Yarmouth GIZ is a contiguous geographic area with clearly defined boundaries that correspond to the Route 28 corridor and abutting business zones, as described in Map 1, Proposed Growth Incentive Zone, and Section 3.0, Boundaries/Description.

The GIZ designation will neither expand not create strip development, as all expansions, changes, and redevelopment of the hotel/motel properties are subject to local Site Plan Review and shall conform to design standards in accordance with *Yarmouth Architectural and Site Design Standards*. A significant amount of strip development exists currently along the Route 28 corridor, and the GIZ is designed to improve these areas.

b). A proposed GIZ shall contain existing development and infrastructure, with opportunities for redevelopment, infill, and intensification of existing uses. Undeveloped parcels isolated from existing development are not appropriate areas for GIZs and shall be avoided.

The Yarmouth GIZ encompasses the 5.2 mile Route 28 corridor, which is the town's major commercial thoroughfare. The majority of properties within the GIZ are already developed, with significant redevelopment potential, particularly for the 35 existing hotel/motel properties as a result of the Motel By-Law. Of the approximately 621 parcels within the GIZ, 17 parcels are undeveloped for a total of 12.33 acres. The undeveloped parcels are distributed throughout the urban fabric of the district and are not isolated areas from the GIZ itself.

There is existing transportation infrastructure within the GIZ. Route 28 is the primary roadway through the district and is supported by two bus lines: the H2O bus line, which runs the length of the corridor, and a summer trolley service that runs between Route 28 and South Shore Drive. In addition, the Town has retained a transportation engineering firm to conduct a Route 28 corridor study and analyze the potential for short and long term transportation infrastructure on Route 28.

There is existing and planned water infrastructure within the GIZ. Drinking water within the GIZ is supplied by public water supply wells maintained by the town Department of Public Works. Wastewater infrastructure is generally provided by on-site Title 5 septic systems permitted through the local Board of Health. Four properties have wastewater flows that would require state Ground Water Discharge Permits. The town is developing a comprehensive wastewater assessment that when completed will provide infrastructure guidance for the next 20 years. In addition, the town's consultants over the past year have developed a conceptual sewer layout that would service the length of the Route 28 corridor. The sewer would also serve the areas recommended for off-site solutions in town and would allow the top needs areas to be sewered and would allow for the village centers plan to proceed along with other Route 28 businesses.

The Phase 1 GIZ is expected to reduce the burden on transportation and wastewater infrastructure (due to the expected reduction in trip generation and wastewater flow from hotel/motel property conversions to residential dwelling units). Implementation of future phases of the GIZ are dependent upon additional infrastructure.

In summary, the Yarmouth GIZ contains existing development and infrastructure, with opportunities for redevelopment, infill, and intensification of existing uses.

c). A proposed GIZ shall be characterized by the following types of development (existing within the zone or planned, as demonstrated by pending zoning or planning proposals): a compact mix of uses; a broad range of housing types, including multi-family dwellings and accessory apartments; civic and institutional uses; and, pedestrian- and transit-oriented development.

The Phase 1 GIZ is intended to facilitate redevelopment of existing hotel/motel properties and create new affordable housing, mixed use development, improvement of the Route 28 corridor's existing hotel/motel stock. The varied redevelopment options provided under the Motel By-Law along with its affordable housing requirements and the accompanying

Affordable Housing By-Law (Section 412 of the Zoning By-Law) encourage the provision of a broad range of housing types, including multi-family dwellings and accessory apartments. The GIZ contains several municipal and civic buildings including the Yarmouth town hall, an elementary school, post office(s) and state police offices. As such the GIZ includes a broad range of housing types, civic, and institutional uses.

It is anticipated that as the town proceeds with redevelopment of hotel/motel properties and implementation of the village center planning recommendations provided by the Bluestone Planning Group in 2005, the GIZ would include more pedestrian oriented development. Sidewalks are located along portions of the corridor; it is anticipated that new sidewalks would be required for Route 28 locations that currently lack sidewalks when such properties are redeveloped, thus enhancing pedestrian amenities of the GIZ.

d). GIZs shall avoid the following areas, as mapped by the Commission: Potential Public Water Supply Areas, rare species habitat, priority natural communities, wetlands, critical upland areas, unfragmented forest habitat, and land within 350 feet of vernal pools and 300 feet of ponds; and, undeveloped Velocity (V) Zones as designated by FEMA.

The Yarmouth GIZ does not contain potential public water supply areas, priority natural communities, critical upland areas, unfragmented forest habitat, and land within 350 feet of vernal pools and 300 feet of ponds; or undeveloped Velocity (V) Zones as designated by FEMA.

e). A GIZ may include incidental portions of areas identified under Section 2(d) herein for the purpose of maintaining its contiguity provided their inclusion would not pose significant adverse impacts to any of the resources protected under the Act.

A wetland system associated with Parkers River is located inside the GIZ (in the area of its Route 28 crossing and on a portion of the proposed marine park parcel) and is mapped for rare species habitat, as is a portion of marsh area abutting a portion of the GIZ on the south side of Route 28 near its western boundary. Both wetlands are surrounded by development and/or are partially located on land that was previously developed. The inclusion of these areas inside the GIZ is necessary to maintain its contiguity and does not pose significant adverse impacts to the resources protected under the Act.

f). A proposed GIZ shall include provisions for adequate infrastructure and services that either exist within the zone or are planned, as demonstrated by pending proposals. Such provisions shall be timed to meet the demand created by new development. Adequate infrastructure shall include:

1. *Demonstrated capacity to provide public water supply for maximum day demand periods.*

Capacity to provide public water supply within the GIZ for maximum day demand periods currently is sufficient. If Title 5 flows decrease as expected, there will be

no increase in public water supply demands, and existing public water supply infrastructure will be sufficient for development planned under Phase 1 of the GIZ.

2. Infrastructure consistent with the goals and standards set forth under the RPP for a) collection and treatment of wastewater and effluent disposal and, b) management of stormwater runoff.

(a) If Title 5 flows decrease as expected, there will be no greater impact on downgradient water resources (i.e. estuaries). Given that the town is in the midst of a comprehensive wastewater planning effort, with plans to sewer along Route 28, and is awaiting nutrient thresholds from the Massachusetts Estuaries Project (MEP), the goals and standards of the RPP will be addressed through a monitoring program that will be adopted based on development that occurs within the GIZ and the results from the MEP and the town's wastewater planning.

(b) Stormwater goals and standards will be addressed through the town's revised stormwater regulations which are currently under review.

3. *Transportation infrastructure, including transit, bicycle, and pedestrian provisions to reduce the number of automobile trips made within the GIZ, as well as roadway, parking and circulation improvements, to accommodate expected traffic flow.*

Route 28 properties are served by public transportation with the Cape Cod Regional Transportation Authority (RTA) H2O line running down the length of Route 28 and a summer trolley service between Route 28 and South Shore Drive. In addition, it is anticipated that implementation of the Motel By-Law will result in a reduction net decrease in traffic for the Phase 1 GIZ.

4. *Sidewalks or other pedestrian facilities along all regional roadway frontage.*

The Town of Yarmouth has retained a transportation engineer firm to conduct a corridor study of Route 28 in Yarmouth. The corridor study will analyze the potential for short and long term transportation infrastructure on Route 28. Route 28 conceptual and design plans shall comprise roadway cross sections including sidewalks on both sides of Route 28. In addition, the town will consider requiring installation of sidewalks as needed on the Phase 1 hotel/motel properties during its review of redevelopment proposals.

5. *Marine/maritime infrastructure, where applicable, to ensure the continuance of traditional maritime industries.*

Development within the GIZ does not involve changes to marine/maritime infrastructure, except for a proposal to develop a marina and marine park area on the former drive-in parcel (Yarmouth Assessor's map designation Map 32, Lot 122). That project is in

undergoing joint MEPA/Commission review and as such is subject to mandatory DRI review.

g). Development reduction measures (offsets) including downzoning, overlay districts, transfer of development rights, and/or conservation restrictions shall be provided outside the GIZ to offset the potential for increased development within the GIZ. The offsets shall be provided in clearly delineated geographic areas outside of the GIZ and may be provided inside or outside of the town where the GIZ is located, depending on the characteristics of the GIZ. Land purchased no more than 3 years prior to the date of the GIZ application may be eligible for consideration as an offset.

The Phase 1 GIZ does not entail increased development inside the district. As such, no offsets are required for Phase 1. It is anticipated that as future phases of the GIZ are anticipated, offsets may be necessary.

h). A proposed GIZ shall be consistent with the following documents:

1. *The town's certified Local Comprehensive Plan. For towns that do not have a certified LCP, other relevant town-approved planning documents including but not limited to master plans, housing plans, open space plans, comprehensive wastewater management plans, and economic development plans may serve as the basis for a GIZ proposal.*

2. *The goals of the 2002 RPP.*

3. *The Cape Cod Regional Transportation Plan.*

The GIZ is consistent with the goals and objectives of the LCP chapters as identified below. (Yarmouth's LCP, developed over the last several years, was approved at Town Meeting but is not yet certified by the Commission.) In addition, the GIZ is consistent with the recommendations of the 2005 Bluestone Report and the town's Affordable Housing Plan, also as identified below.

<u>LCP</u>

Chapter 8 Land Use/Growth Management

- Develop a new hotel/motel zoning district which will allow for upgrades and modernization of older buildings.
- Create incentives to encourage the reuse of buildings.

Chapter 10 Economic Development

- Upgrade substandard properties and make the area more attractive.
- Consider binding design review for Route 28 Corridor.
- Improve quality and attractiveness of new and existing development in Yarmouth, especially along the Route 28 Corridor.
- Strengthen existing tourism related businesses and tourist accommodations through upgrading facilities....

Chapter 14 Affordable Housing

- Zoning that allows for conversion of existing facilities into permanent, year 'round affordable housing should be adopted.
- Develop innovative strategies designed to address the housing needs of Yarmouth's residents....
- Affordable housing should be encouraged in all areas that are appropriate for residential and mixed-use development, with particular attention to highway transportation convenience.
- Promote fair, decent, safe and affordable housing that meets the needs of present and future residents.

Bluestone Report/Route 28 Village Center Project Vision Plan

This 2005 report provides recommendations for creating eight clustered activity centers or villages of special design character along Route 28, which is part of the longer-term vision for the GIZ.

RPP Consistency

The Yarmouth GIZ is consistent with the goals of the 2002 RPP as noted below. (Goals not directly applicable to the GIZ proposal are not referenced/included.)

Water Resources

Goal 2.1.1 – Maintain overall quality and quantity of Cape Cod's groundwater: Estuaries downgradient of the GIZ should not receive greater impacts than currently received if Title 5 wastewater design flows are reduced on the Phase 1 properties as currently anticipated. Commission and Yarmouth staff have developed a monitoring program to ensure that Title 5 flows on the Phase 1 properties do not increase in the aggregate within the estuary watersheds. This monitoring program is coupled with an adaptive component for regular review of redevelopment results in order to incorporate results from the town's comprehensive wastewater planning effort, nitrogen thresholds for the estuaries from the Massachusetts Estuaries Project, and the planned sewering along Route 28.

Goal 2.1.2 – Encourage use of public and private treatment facilities: Current plans call for municipal sewering along Route 28 throughout the GIZ. The town and the Commission share the goal of working to ensure that redevelopment on the Phase 1 properties is implemented such that hurdles to the planned sewering are not created. Connection of properties within the GIZ to a municipal sewer presents an opportunity to address likely nitrogen loading reductions that will be necessary to restore/protect the downgradient estuaries.

Goal 2.1.3 – Protect water quality through stormwater treatment: The town is currently working on a revision of its stormwater regulations. Commission staff have provided some suggested changes in the latest draft and offered to discuss the suggestions. In general, addressing the suggested changes and approval of the revision should meet the stormwater goal in the RPP.

Natural Resources/Open Space
Goal 2.3.1 – Preservation of wetlands: The local wetlands ordinance ensures preservation of wetland interests within the GIZ, and stormwater management plans (once finalized) will enhance protection of wetland resources.

Goal 2.4.1 – Prevent loss or degradation of habitat: The GIZ does not contain significant sensitive habitat types (with the exception of two wetland areas as noted in Section 6(d) and (e)) and as such does not entail loss or degradation of habitat.
Goal 2.5.1 – Preservation of open space: The GIZ currently contains minimal open space, and development within the GIZ will not impact open space.

Economic Development
Goal 3.1 - Encourage businesses that are compatible with Cape Cod's environmental, cultural, and economic strengths in order to ensure balanced economic development- Phase I of the Yarmouth GIZ anticipates reducing an oversupply of below market rate lodging units and increasing the supply of affordable housing options along the Route 28 corridor. This outcome would be consistent with Goal 3.1 of the RPP.
Goal 3.2 - Locate development so as to preserve the Cape's environment and cultural heritage, minimize adverse impacts, and enhance the quality of life- Phase I of the Yarmouth GIZ seeks to redevelop motel/hotel properties within an economically underperforming corridor. It does not encourage development in previously undeveloped areas and could contribute to a greater mix of uses and sense of place along Route 28. The character of the redevelopment will be governed by design guidelines consistent with those of the Commission.
Goal 3.3 - Encourage the creation and diversification of year-round employment opportunities - Phase I of the Yarmouth GIZ seeks to revitalize the lodging sector by reducing an over surplus of units and upgrading remaining units. This should improve employment opportunities, business success rates, and allow for alternative uses of underutilized land.

Transportation
Goal 4.1.1 – Maintain acceptable level of safety on all roads: The RPP's standard of review for safety impacts is 25 or more peak hour trips through a high crash location. Route 28 in Yarmouth has a number of known high crash locations, but based on the expected reduction on trip generation from the Phase 1 hotel/motel conversions, no known high crash location should be impacted from the Phase 1 conversions.

Goal 4.1.2 – Reduce expected increase in motor vehicle trips: The Phase 1 hotel/motel conversions are anticipated to result in an overall reduction in vehicle trip generation.

Goal 4.1.3 – Maintain Level of Service and address congestion impacts: The Phase 1 hotel/motel conversions are anticipated to result in an overall reduction in vehicle trip generation and therefore would not impact level of service or congestion conditions.

Affordable Housing
Goal 5.1- Promote fair, affordable housing and Goal 5.3- Encourage development of innovative strategies: The GIZ meets these goals through the conversion and redevelopment incentives provided in the Motel By-Law (Section 404 of the zoning by-law) and the requirements of Section 412 (Affordable Housing) of the zoning by-law.
Goal 5.2- Promote equal opportunity in housing: The GIZ meets this goal through the affirmative marketing requirements of Section 412 (Affordable Housing) of the Yarmouth bylaw.
Goal 5.4- Integrate affordable housing with environmental protection: The GIZ meets this goal as the residential conversion and redevelopment options provided in the Motel By-Law will have reduced wastewater impacts than the exiting uses.

Heritage Preservation/Community Character
Goal 6.2 – Encourage redevelopment and respect distinctive character of historic village centers: The Motel By-Law includes design standards (*Yarmouth Architectural and Site Design Standards)* for redevelopment of the Route 28 corridor's existing hotel/motel properties that are intended to protect the community's aesthetic qualities and ensure design excellence. The Commission's design guidelines (*Designing the Future to Honor the Past: Design Guidelines for Cape Cod* and its addendum) are included as part of the *Yarmouth Architectural and Site Design Standards.* The future plans for the South Yarmouth village center respect its distinctive character by protecting its historic features including landmarks and historic landscapes.

Consistency with Regional Transportation Plan
The Route 28 GIZ is consistent with the following 2003 Cape Cod Regional Transportation Plan goals:

Goal 1 – Maintain the existing transportation system: The estimated net decrease in trips is expected to improve the existing conditions on Route 28 in Yarmouth.

Goal 2 – Develop alternatives to the automobile: The GIZ includes an existing system of sidewalks and transit service along Route 28. The fixed bus route is a component of the GIZ, which is consistent with this goal.

Goal 3 – Integrate land use and transportation planning: The GIZ supports dense development in a defined concentrated development area which includes public transportation; the GIZ; the GIZ includes alternative mode transportation and transit oriented development; and the GIZ anticipates future mobility needs through pedestrian and transit infrastructure.

Goal 4 – Develop transportation options that maintain the Cape's natural environment: The GIZ includes infrastructure consistent with community character and includes sustainable transportation modes and pedestrian facilities.

7.3 Analysis of Resource Impacts

The findings below address the resource impacts anticipated by Phase 1 Yarmouth GIZ and how impacts are proposed to be mitigated or otherwise protected through local review standards.

Water Resources

WR1. The Cape Cod Commission Act states that the purpose of the Cape Cod Commission is to, among other things, protect "groundwater, surface water and ocean water quality" and "the coordination of the provision of adequate capital facilities with the achievement of other goals" (Section 1c).

WR2. The implementation of the Act is through the Regional Policy Plan, which, among other things, describes a series of water resources goals for management of the Cape's water quality, provides a classification system for the various types of water resources, and establishes a set of minimum standards for all projects that are required to be reviewed by the Commission under the Act.

WR3. The 35 motel properties included in Phase 1 of the Yarmouth GIZ currently add nitrogen loads to the following protected resources: 1) the Lewis Bay estuary, including Mill Creek, 2) the Parkers River estuary, and 3) the Bass River estuary. Nitrogen loads primarily come from wastewater with smaller percentages from fertilizer applications and runoff from impervious surfaces. Water quality in drinking water supplies and freshwater ponds are not likely to be affected by the land use activities under any phases of the Yarmouth GIZ.

WR4. 14 of the Phase 1 GIZ motel properties are located within the Mill Creek watershed, while four more are located in the larger Lewis Bay watershed; fifteen are in the Parkers River watershed, and two are located in the Bass River watershed. A list of the properties, the watershed they are located in, and the current Title 5 wastewater design flow is provided in Table 1 below.

Table 1. Current Title 5 Wastewater Design Flows for Properties in Phase I of Yarmouth's Route 28 GIZ

Name of Property	BOH License #	Address	Map & Lot	Area	Motel Rooms	Current Title 5 Flow
				sq ft	#	gpd
Bass River Motel	#06-002	891 Route 28	041.47	89,777	21	2,310
Americana Holiday Motel	#06-007	99 Route 28	036.112	194,636	136	14,960
Red Mill Motel	#06-011	793 Route 28	033.76	30,409	19	2,090
Yarmouth Gardens Motor Lodge	#06-025	497 Route 28	031.36	90,253	43	4,730
Windrift Motel	#06-032	115 Route 28	037.78	93,001	44	4,840
Cape Traveler Motor Inn	#06-034	492 Route 28	031.79	59,013	32	3,520
Mayflower Motel	#06-035	504 Route 28	031.81	37,781	26	2,860
Castle Dawn	#06-041	226 Route 28	037.147.2	87,120	57	6,270
Thunderbird Motor Lodge	#06-043	216 Route 28	037.147.1	117,612	97	10,670
Yankee Village	#06-044	275 Route 28	037.60	62,380	39	4,290
Cavalier Motor Lodge Inc.	#06-046	881 Route 28	041.48	185,408	64	7,040
Cap'n Gladcliff Vacation Condos	#06-048	817 Route 28	033.71	53,915	26	2,860
Captain Jonathan Motel	#06-049	1237 Route 28	060.258	62,427	20	2,200
Hunters Green Motel	#06-053	553 Route 28	031.134	68,705	74	8,140
Brentwood Motor Inn	#06-055	961 Route 28	042.46	80,704	47	5,170
Beachway Motel	#06-056	498 Route 28	031.80	27,811	15	1,650
	Total "Yes"		16	1,340,951	760	83,600
Lewis bay Lodge (Howard Johnson)	#06-001	149 Route 28	037.75	128,280	61	6,710
Cape Cod Irish Village	#06-006	512 Route 28	031.82	290,672	84	18,970
Pine Knot Motel	#06-010.	890 Route 28	041.18	38,464	19	2,090
Town & Country	#06-018	452 Route 28	031.73	204,427	153	16,830
Econolodge	#06-020	59 Route 28	036.76	43,217	48	5,280
American Host Motel	#06-027	69 Route 28	036.75	84,755	79	8,690
Tidewater Motor Lodge Inc.	#06-042	135 Route 28	037.76	172,229	102	14,370
West Yarmouth Lodgings	#06-045	77 Route 28	036.74	68,996	35	3,850
Super 8 Motel	#06-052	43 Route 28	036.82	31,363	41	4,510
	Total "Maybe"		9	1,062,403	622	81,300
	Total "Yes" & "Maybe"		25	2,403,353	1,382	164,900
Cove at Yarmouth	#06-003	183 Route 28	037.72	550,517	211	30,000
All Seasons Motor inn	#06-004	1199 Route 28	060.269.1	160,485	114	13,940
Cape Point Motel	#06-008	476 Route 28	031.77	126,742	116	14,160
Bayside Resort	#06-009	225 Route 28	037.71	176,867	125	15,535
Gull Wing Suites	#06-016	822 Route 28	033.70	222,191	136	14,960
Mariner Motor Lodge	#06-017	573 Route 28	031.133	196,929	100	11,000
Yarmouth Resort	#06-019	343 Route 28	30.22	174,240	136	14,960
Cape Cod Vacation Condo Trust	#06-026	91 Route 28	036.113	71,089	63	6,930
Holly Tree Motel	#06-037	412 Route 28	030.191	137,613	76	10,110
Holiday Vacation Condos	#06-050	488 Route 28	031.78	99,083	47	5,170
	Total "No"		10	1,915,755	1,124	136,765
		TOTAL	35	4,319,109	2,506	301,665

Title 5 flow in Estuary Watersheds	
Estuary	gpd
Mill Crk	136,905
Lewis Bay (including Mill Crk)	192,965
Parkers River	92,560
Bass River	16,140
TOTAL	301,665

WR5. All of the southern Yarmouth estuaries will have nitrogen thresholds developed under the Massachusetts Estuaries Project (MEP). MEP thresholds will be adopted as Total Maximum Daily Loads (TMDLs) under the federal Clean Water Act by the

Massachusetts Department of Environmental Protection (MassDEP). The Lewis Bay MEP report was delivered to MassDEP in June 2007, while the Parkers River and Bass River reports are scheduled to be delivered by the end of June 2008. Based on results in other estuaries, draft TMDLs will follow 6 to 12 months after the delivery of the MEP report to MassDEP. All three systems are also listed as being impaired by pathogens on the current state list (*http://mass.gov/dep/water/resources/tmdls.htm*, July 19, 2007).

WR6. Calculations submitted by the Town in the GIZ application show that overall Title 5 wastewater flows for the 35 Phase 1 properties are projected to decrease under both the "raze-and-replace" and "conversion" scenarios. Reasonable alternative underlying assumptions for these calculations show that there is a potential for overall increased Title 5 flow under the raze and replace scenario. Increased flows would increase nitrogen loading to downgradient estuaries if conventional Title 5 wastewater treatment systems are installed.

WR7. If Title 5 flows decrease as expected, there will be no increase in public water supply demands and existing water supply infrastructure will be sufficient for development planned under Phase 1 of the GIZ.

WR8. The Town of Yarmouth is currently involved in an Integrated Water Resources Planning (IWRP) effort. This effort is dedicated to understanding wastewater issues in the town, including water quality impacts on estuaries, and preparing to act on the findings of the MEP reports. The IWRP Committee recently voted to proceed with planning for sewering along Route 28 even without the MEP results. Town staff anticipate that sewering will be completed along Route 28 within 5 to 6 years provided that adequate funding is secured. According to the GIZ application, $1,157,000.00 has been "committed to date" for wastewater management planning in Yarmouth. This includes a $400,000 allocation approved at the April 2007 Town Meeting.

WR9. Installation of denitrifying septic systems on the Phase 1 GIZ properties to meet estuary TMDLs would be contrary to the successful implementation of sewering along Route 28. The Town wishes to encourage installation of wastewater systems on the Phase 1 properties that will anticipate connecting to a future sewer line along Route 28.

WR10. Individual properties within the GIZ infiltrate their own stormwater on site. As part of the implementation of the GIZ, Town of Yarmouth staff are currently revising the town's stormwater regulations. This review is being undertaken to bring current regulations into congruence with state regulations (310 CMR 10 and 314 CMR9) and Massachusetts Phase II stormwater standards. Commission staff provided Yarmouth staff with recommended changes in the current draft to better match current revisions being contemplated at the state and county level and offered to discuss the recommendations at a mutually agreeable time.

WR11. Although likely reductions in stormwater contaminants associated with the implementation of the planned revision of town regulations are not quantified in the GIZ application materials, the design criteria that are being contemplated generally reflect best management practices and goals of the RPP. It is recommended that more quantitative

analysis of likely contaminant reductions be completed prior to approval of the subsequent phases of the GIZ and that this analysis include quantification of stormwater impacts the estuaries and the streams leading to the estuaries and planned improvements as development in the GIZ proceeds.

WR12. The Water Resources findings herein indicate that several initiatives currently underway will provide important information during the next few months towards completing wastewater planning and water quality management within the Yarmouth GIZ. The Town and the Commission share an overall goal of ensuring that nitrogen thresholds and subsequent TMDLs developed through the MEP process are attained for Lewis Bay, Parkers River, and Bass River and any subwatersheds. The Commission and the Town therefore have agreed to several steps to incorporate such information as it becomes available and address the water quality goals and management needs specified in the Act and the Regional Policy Plan, as well as anticipating town IWRP implementation.

Natural Resources/Open Space

NROS1. The GIZ contains few wetlands. The two wetland areas within the GIZ (one, in the vicinity of the Parkers River Route 28 crossing and the other, in the western end that abuts the southern edge of the GIZ boundary) are surrounded by development and/or are partially located on land that was previously developed. The town has in place a wetlands by-law to protect wetlands and water quality by controlling activities deemed to have a significant effect on wetlands and water quality. A portion of the wetland areas is also mapped for rare species habitat. Any proposed development in these locations is subject to review by the Massachusetts Natural Heritage and Endangered Species Program.

Economic Development

ED1. The Phase 1 of the Yarmouth GIZ plans for the redevelopment of 35 motel properties either by upgrading the existing motel use or converting it to housing. The impact on the regional economy if the redevelopment results in (1) upgraded lodging establishments or (2) housing inclusive of affordable units, should be positive.

ED2. The Motel By-Law's cap on the total number of motel rooms should not adversely impact the tourism industry overall; in fact opening the way to renovations or conversions should allow the market to adjust to the changes in demand. Tourism has changed significantly since most of the motels were built. The vacancy rates, while in part due to an over supply of motel rooms, attests to these shifts in the nature of tourism on the Cape. In the short-term there might be a drop in rooms tax revenues, but this should be compensated for by the increased assessed value of the renovated property and the potential increase in occupancy rates for the remaining lodging establishments.

ED3. The operating costs of lodging establishments on Cape Cod are increasingly onerous, particularly where properties have recently been purchased at record high market prices. High market prices also impact the assessed values, and therefore the tax levy, of properties that have been long held by the owners. Given these conditions, it is likely that many of these properties will be converted to other uses.

ED4. Should the conversion result in housing, particularly affordable housing, as predicted in the build-out analysis provided in the GIZ application, this may have a positive impact on housing prices by increasing supply and should provide more affordable housing options for the local labor force. However, the high cost of the land (versus the building) limits the extent to which developers on the Cape can afford to build moderately priced housing.

ED5. Under the Motel By-Law the properties may also convert to mixed residential and commercial use or to just commercial use as allowed under B2 zoning. As set forth in the Yarmouth Zoning By-Law, B2 districts allow for most commercial uses; mixed use is broadly defined as commercial combined with residential on the same or contiguous lot. The GIZ application does not estimate commercial build-out potential or what the nature of that build out might be in terms of business types. In general, mixed use development with a significant portion dedicated to housing and the rest designed to accommodate office, retail, restaurant, or other uses that are generally locally owned is desirable from an economic development point of view.

Transportation

T1. Phase 1 of the Yarmouth GIZ allows for the conversion of existing hotel/motel properties along Route 28. The Town of Yarmouth conducted analysis that shows that conversion of the 35 properties to residential dwelling units or to "upgraded" hotel/motels would reduce the number of hotel/motel units on Route 28, and based on the Institute of Transportation Engineers (ITE), Trip Generation manual 7th Edition, the reduction in the overall number of hotel/motel units would result in a reduction in trip generation. Town staff calculated the traffic impact based on the number of motel rooms of the existing facilities and potential conversion scenarios of the facilities (to residential dwelling units or upgraded motels), as outlined in the GIZ application. A comparison of the trip generation estimates based on the different type of use is shown below in Table 2. As shown in the table, the net decrease in vehicle trips from conversions is significant during the afternoon peak hour. Due to the net decrease in trips, transportation offsets are not required for the Phase 1 GIZ.

Table 2 – Trip Generation Estimates[1]

Existing Number of Motel Units	Trips	Potential Raze and Replace Units	Trips	Potential Conversion Units	Trips
2,506	14,109	1,586	9,976	1,082	6,806
Potential reduction in traffic			-29.3%		-51.8%

[1]Based on the Town of Yarmouth GIZ Application, Attachment H (build out analysis).

T2. The Motel By-Law establishes a cap of 3,553 on the overall number of motel units (rooms). Currently 3,615 motel rooms exist in Yarmouth, however only 35 properties or 2,506 motel rooms are subject to the Phase 1 GIZ.

T3. Based on the trip generation analysis included with the GIZ application, the Commission has determined that significant new traffic would not be added to the roadway system as a result of the Phase 1 Yarmouth GIZ.

T4. The RPP standard of review for transportation safety impacts is 25 or more peak hour trips through a high crash location. Route 28 in Yarmouth has a number of known high crash locations, however based on the expected reduction in trip generation, no known high crash location should be impacted by more than 25 peak hour trips. Therefore safety analysis or safety mitigation is not required for Phase 1 of the GIZ application (the motel conversions).

T5. Yarmouth town staff has agreed to track development within the Phase 1 Route 28 GIZ and develop a reporting mechanism to gauge progress. This report will be maintained by the town's Department of Community Development and updated on an ongoing basis, with formal reports being made annually to the Yarmouth Board of Selectmen and the Cape Cod Commission.

The reporting mechanism should include driveway traffic counts at various motel redevelopment locations to gauge redevelopment traffic. Commission staff and Town of Yarmouth staff have agreed to work together to formalize the reporting process.

T6. Route 28 properties are served by public transportation, with the Cape Cod Regional Transportation Authority (RTA) H2O line running down the length of Route 28 and a summer trolley service between Route 28 and South Shore Drive.

T7. The Town of Yarmouth has retained a transportation engineer firm to conduct a corridor study of Route 28 in Yarmouth. The corridor study will analyze the potential for short and long term transportation infrastructure on Route 28. The Commission recommends that all Route 28 conceptual and design plans shall comprise roadway cross sections including sidewalks on both sides of Route 28.

T8. As part of the Phase 1 GIZ, the Commission would not review the proposed driveway locations of the redeveloped properties; however the town will conduct review of the same. To enhance safety conditions the Commission recommends the following access management tools to be applied during the town's review of the redevelopment proposals:

- All driveway locations should conform to the American Association of State Highway Transportation Officials stopping sight distance requirements. If it does not currently do so, the Town may want to consider requiring all driveways to meet intersection or decision sight distance requirements.
- Where a redevelopment proposal entails a Route 28 property with access on a secondary roadway, the property should be required to provide access to the secondary street, and the Route 28 driveway could be restricted to right turn in/right turn out access.
- Connections between motel properties and any adjacent commercial property should be considered as motel properties redevelop.

- Limiting the number of curb cuts on Route 28 and requiring curb cut consolidation should be considered.
- Requiring all property owners to provide sidewalks either on the development property or within the state highway lay out.

Affordable Housing

AH1. The Town of Yarmouth has recently been active in addressing affordable housing needs through its adoption in April 2006 of its Motel Bylaw (Section 404) and its nearly completed Affordable Housing Action Plan that will be submitted to the Department of Housing and Community Development to meet the requirements of the Chapter 40B Planned Production regulations. The Motel Bylaw requires a certain amount of affordable housing once the residential density of the redeveloped property exceeds four units per acre (see chart below):

Units per Acre	Affordable Housing Units per Acre	% Affordable
1	0	0%
2	0	0%
3	0	0%
4	0	0%
5	1	20%
6	1	17%
7	1	14%
8	2	25%
9	2	22%
10	2	20%
11	2	18%
12	3	25%
13	3	23%
14	3	21%
15	3	20%
16	4	25%

Under the Motel Bylaw, properties may reinvest as lodging facilities, redevelop as a mixed use property, redevelop as multi-family housing, or redevelop into a use allowed in a B2 zoning district. While there is no certainty about the ultimate use outcomes of the thirty-five motel properties that could be redeveloped in the GIZ, the varied redevelopment options provided under Section 404 along with the affordable housing requirements in Section 404 and the accompanying Section 412 (Affordable Housing Bylaw) therefore satisfy the requirement of Section 2(c) of the GIZ regulations to include a broad range of housing types, including multi-family dwellings and accessory apartments.

AH2. Under Section 404.8.2, the allowed residential densities and the affordable housing requirement are as follows:

Units per Acre	Affordable Units per Acre
1-4	0
5-7	1
8-11	2
12-15	3
16	4

For its buildout analysis, the Town assumed that redevelopment would occur at the maximum allowable density. Thus, if all 25 likely redevelopment candidates in the GIZ chose the raze and replace scenario, there would be 223 affordable units created out of a total of 882. If the Commission reviewed these same properties as DRIs, there would be 102 affordable units created.

A similar result occurs under the conversion scenario. Under the GIZ, there would be 122 affordable units out of a total of 589 units if all 25 chose the conversion option; while under DRI review, there would be 64 affordable units created. Therefore, under either maximum buildout scenario, Section 404 provides approximately twice as much mitigation for the affordable housing resource than would be provided under the RPP.

The Commission also analyzed buildout scenarios if all redevelopment occurred at the four units per acre level at which there is no affordable housing required under Section 404. At a density of four units per acre, only seven (7) of the twenty-five (25) properties would have triggered the ten unit threshold for the Commission's 10% affordable housing requirement, yielding 15 affordable units. As such, under this scenario, the GIZ would result in no affordable housing; whereas, the DRI process would have resulted fifteen (15) affordable units.

Therefore, the amount of affordable housing created between the two low-end and high-end GIZ scenarios ranges from a loss of fifteen (15) units to a gain of two hundred twenty-three (223) units. While it is impossible to predict the amount and size of residential redevelopment that will occur in the GIZ, the Commission concurs with the Town's assessment that the current economics of redevelopment would dictate that redevelopment would more often occur at the upper, rather than at the lower, end of the density options. While there is a risk that the affordable housing resource will be negatively impacted by the approval of the GIZ, the Commission considers that risk to be extremely small. Since Section 404 in most instances will result in more affordable housing than would have been created under DRI review, the Commission finds that there are sufficient local review standards and mitigation methods to protect the resources that otherwise would be protected under the RPP.

Heritage Preservation/Community Character

HP1. Any change, extension, alteration or raze and replacement of an existing Route 28 hotel/motel property is subject to Yarmouth Site Plan Review and required to comply with the *Yarmouth Architectural and Site Design Standards*, adopted in August 2006, which are

intended to "promote good design that is responsive to its contextual setting." The Commission's design guidelines (*Designing the Future to Honor the Past: Design Guidelines for Cape Cod* and its addendum) are included as part of the *Yarmouth Architectural and Site Design Standards.* As such, the Commission finds that sufficient local review standards and mitigation methods to protect the resources that otherwise would be protected under the RPP.

7.4 Standards of Review

SR1. Pursuant to Section 6 of the GIZ Regulations, to receive approval for a proposed GIZ, a town applying for such designation must demonstrate the following to the Commission:

> *1. That the proposed GIZ can accommodate additional growth without harming the resources protected under the Act and the RPP; and,*
>
> *2. That increases in development potential and intensification of use within the GIZ will be offset by a commensurate reduction in development potential and reduced intensification of use in specific offset area(s) outside the GIZ. Offsets shall be proportional to increases in development potential inside the GIZ and may be measured in terms of acres or units for residential development or square feet for commercial development, based on the characteristics of the area(s) to be protected; and,*
>
> *3. That the proposed GIZ is consistent with the criteria set forth under Section 1(b) (Purpose) and Section 2 (Qualifications of GIZs) of these regulations.*
>
> *4. Where a town has requested modification of DRI thresholds within its proposed GIZ, the Commission shall consider whether sufficient review standards and mitigation measures, including appropriate infrastructure, will be provided to ensure that local review will protect resources that otherwise would be protected under the RPP. The Commission may approve a DRI threshold modification request where it finds that such threshold modification is appropriate for achieving the purposes of the GIZ.*

The proposed Yarmouth GIZ is intended to facilitate redevelopment of the town's Route 28 corridor, with a Phase 1 focus on the corridor's hotel/motel stock through implementation of the Motel By-Law. While the GIZ designation would encompass the entire corridor, the by-law and the requested DRI threshold modification would apply only to 35 existing hotel/motel properties. Based on the build-out analysis submitted with the GIZ application, trip generation and wastewater flow are expected to decline as these properties convert to residential dwelling units. The Phase 1 GIZ does not entail zoning changes that would allow for increased density or intensity of use. As such additional growth is not expected. As discussed in GIZ Qualifications Finding GQ1(g), no offsets are needed for the Phase 1 GIZ, as its implementation does not entail increases in development potential due to the constraints of the Motel By-Law. With a short term (Phase 1) focus on

hotel/motel property revitalization and a longer term directive to establish nodes of concentrated growth/activity centers along portions of the corridor, while offsetting growth increases with growth reduction elsewhere (as noted in Finding GQ1), the proposed GIZ is consistent with the purpose and qualifications of a GIZ. Based on the findings in Section 7.3 herein, the Commission finds that sufficient review standards and mitigation measures, including appropriate infrastructure, will be provided to ensure that local review will protect resources that otherwise would be protected under the RPP. Therefore, the Commission finds that the proposed DRI threshold modification is appropriate for achieving the purposes of the GIZ, provided the following conditions are met:

8.0 Conditions

General

G1. In accordance with Section 10 of the Growth Incentive Zone Regulations, the designation of the Yarmouth GIZ is valid for a period of up to 10 years. The requested DRI threshold modifications shall be valid and in effect only while the GIZ is valid and in effect.

G2. All terms within this decision that are defined by either the Enabling Regulations Governing Review of Developments of Regional Impact or the Cape Cod Commission Act shall be controlled by those definitions.

G3. The Town of Yarmouth shall obtain Certificates of Compliance from the Commission as follows:

- Certificate of Compliance #1 – Receipt of this certificate allows for approval of the Phase 1 DRI threshold modification in accordance with Section 8 of the GIZ regulations.

G4. The Town of Yarmouth shall maintain a tracking system in which it monitors and reports development on the 35 existing hotel/motel properties to the Cape Cod Commission. Yarmouth Community Development Department will be responsible for tracking growth within the GIZ and shall provide written reports to the Commission as required by Condition G5. The Town shall also provide additional tracking information as requested by the Commission within thirty (30) days of receipt of a written request.

G5. Upon the effective date of a Barnstable County ordinance establishing modified DRI thresholds (the "adjusted" DRI thresholds), the Town shall commence a tracking system to document development activity as follows:

1. The tracking system should contain a database in which the town charts each development within the GIZ; the town should compile a running list of the number of residential units and non-residential square footage. These shall be recorded in the tracking system by the Yarmouth Community department upon each issuance of a building

permit or demolition permit for each of the 35 existing hotel/motel properties as identified on the map titled "Map of Motels in the Yarmouth Growth Incentive Zone" dated 6/14/07.

2. Net increases and decreases due to redevelopment, demolition, and/or new development shall be tracked by units for motel use and by square feet for other commercial uses. For each residential development, or development with a residential component, the Town shall track the number of bedrooms, the total number of residential units created by each development, and the quantity of affordable units and market rate units. In addition, information indicating whether the hotel/motel redevelopment is a conversion or raze and replace; ownership or rental project; and bedroom mixes of affordable and market rate units shall be provided.

3. The Town shall monitor and report on wastewater flows in accordance with Water Resources condition WR1 (d-e).

4. Levels of residential and non-residential growth, the quantity of affordable, and market rate residential units, and associated land use codes (as referenced in the Yarmouth Zoning By-Law Section 202.5) for non-residential development shall be reported to the Cape Cod Commission on a biannual basis (every 6 months) from the effective date of a Barnstable County Ordinance establishing an adjusted DRI threshold while the GIZ designation is in effect. In addition, the Town shall provide a written and oral progress report to the Cape Cod Commission's Planning Committee on a yearly basis from the date of this decision. Said report shall enumerate development undertaken within the designated Growth Incentive Zone, and shall demonstrate progress toward the satisfaction of any ongoing or pending conditions.

5. The Town shall provide the Cape Cod Commission with a copy of any and all zoning changes adopted within the GIZ boundary while the GIZ designation is in effect.

G6. In accordance with Section 11 of the GIZ Regulations, should the Town fail to implement requirements as described in the GIZ application and as conditioned by this decision, the Commission shall have the ability to revoke the GIZ designation. Revocation may occur only after conducting a public hearing in accordance with Section 5(a) and (b) of the Act.

G7. As specified in Chapter G, Barnstable County Ordinance 05-13, Section 8(c), the following categories are not included in the adjusted DRI threshold modification and shall be reviewed as a DRI regardless of their location within the previously described GIZ boundaries:

- Any proposed demolition or substantial alteration of an historic structure or destruction or substantial alteration to an historic or archaeological site listed with the National Register of Historic Places or Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District.

- Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or accessory uses, parking or storage facilities, so long as such auxiliary or accessory uses are greater than 10,000 s.f. of Gross Floor Area or 40,000 s.f. of outdoor area.

- Development requiring an Environmental Impact Report under MEPA.

- A Discretionary Referral proposed by the Town and accepted by the Commission as presenting regional impacts.

Water Resources

WR1. In accordance with Finding WR12, the following steps shall be implemented to address water quality goals and management needs:

a. Until sewers are installed along Route 28, the Town and the Commission share a goal of reduced or the same Title 5 wastewater flow on each Phase 1 GIZ property listed in Table 1. The Town and Commission staff shall explore options to ensure that this goal is attained.
b. If flow on a given property exceeds the existing flow, the Town and the Commission will strive to ensure that overall Title 5 flows within the watersheds and subwatersheds listed Table 1 are not exceeded. The Town and Commission staff shall explore options to ensure that this goal is attained.
c. The Town shall monitor Title 5 flows on Phase 1 GIZ properties for the purposes of evaluating b and c above.
d. The Town and Commission staff will review activities and pertinent reports from the MEP and/or the IWRP every six months in order to assess progress toward the overall goal for the estuaries and shall propose actions to revise provisions of this decision, if necessary, in order to better meet the overall goal.

WR2. Should the town wish to implement a subsequent phase of the GIZ, the following steps shall be implemented:

a. The Town and the Commission have agreed on a plan to meet the nutrient TMDL or MEP technical report recommended nutrient limit for Lewis Bay, Parkers River, and Bass River. In the event that a nutrient TMDL or MEP technical report recommended nutrient limit has not been completed for any of the systems, the Town and the Commission shall work together to develop mechanisms within the watershed without the TMDL or MEP report to attain the goals of 1) reduced or the same Title 5 wastewater flow on each GIZ property and 2) use of wastewater treatment systems that will not conflict or constrain later installation of municipal sewers.
b. The Town has adopted stormwater regulations that meet the stormwater goal of the RPP.

c. The Town has adopted a strategy to address the pathogen impairments and the state pathogen TMDL for Lewis Bay, Parkers River, and Bass River.
d. The Town has completed an analysis showing that water supply infrastructure is sufficient for development during subsequent phases.

Transportation

T1. The Town should consider implementing the following access management tools when reviewing proposed development and redevelopment in the GIZ:

- All driveway locations should conform to the American Association of State Highway Transportation Officials stopping sight distance requirements. The Board may want to consider requiring all driveways to meet intersection or decision sight distance requirements.
- If a property has access on a secondary roadway, the property should be required to provide access to the secondary street and the Towns should consider restricting the Route 28 driveway (right turn in/right turn out).
- The Town shall consider requiring a connection between a motel property with any adjacent commercial property.
- Limiting the number of curb cuts on Route 28 shall be considered.
- Requiring all property owners to provide sidewalks either on the development property or within the state highway lay out.

T2. The Town of Yarmouth shall continue to work with the Cape Cod Regional Transportation Authority to provide public transportation along the Route 28 properties and maintain a summer trolley service between Route 28 and South Shore Drive.

T3. The Town of Yarmouth shall continue to retain a transportation engineer firm to conduct a corridor study of Route 28 in Yarmouth. The corridor study will analysis the potential for short and long term transportation infrastructure on Route 28. All Route 28 conceptual and design plans shall comprise roadway cross sections including sidewalks on both sides of Route 28.

Economic Development

ED1. To better understand the types of businesses likely to locate within the Yarmouth GIZ, in particular on those properties under the hotel/motel by-law, the town should conduct a market analysis for the zone prior to implementation of subsequent phases of the GIZ. The market analysis should 1) delineate the primary and secondary market areas for the GIZ, and if logical any distinct sub-areas therein; 2) assess the existing supply of restaurant, retail and office space within each market area; 3) analyze the market area demand for retail goods and services that would serve to attract investors to the area. This information could be used to determine the amount of unmet demand for a range of restaurant, retail and office types within the GIZ market areas.

ED2. Should the town wish to pursue a subsequent phase of the GIZ, it shall conduct a market analysis of the zone to better understand the types of businesses likely to locate within the Yarmouth GIZ. The Commission Economic Development Officer will assist the town in determining the scope of this analysis based on the town's goals for future

phases of the GIZ. The findings of the analysis should inform future zoning changes within the GIZ and determine the need for other policies to meet the goals of the GIZ and the RPP.

ED3. Should the town wish to pursue a subsequent phase of the GIZ, it shall identify and adopt methods to help shift development within the GIZ to the nodes identified in the Bluestone Report included in the GIZ application. In doing so, the town should consider using transferable development rights within the GIZ.

9.0 Conclusion

The Cape Cod Commission (Commission) hereby designates the Yarmouth Route 28 corridor area as a Growth Incentive Zone pursuant to Sections 6 and 7 of the Cape Cod Commission Act and Chapter G, Growth Incentive Zone Regulations.

Robert Jones, Chair

July 30, 2007
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss 7/30, 2007

Before me, the undersigned notary public, personally appeared Robert Jones, in his/her capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [_] photographic identification with signature issued by a federal or state governmental agency, [_] oath or affirmation of a credible witness, or [✓] personal knowledge of the undersigned.

Gail P. Hanley
Notary Public
My Commission Expires:
10/13/11